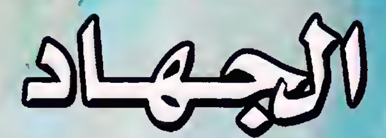
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انجليزي

للمسلمين ولغير المسلمين

AL-JIHAD

The Holy War in Islam & Its Legitimacy in the Quran



تصحيح مفاهيم مشوهه

BY:

Ayatullah Mortaza Mutahhari





In the Name of Allah,
the Compassionate, the Merciful



JIHAD

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the Compassionate.

Chapter I

Questions about Jihad

﴿قاتِلُوا الّذينَ لايُؤمِنُونَ بِاللهِ وَلا بِاليَوْمِ الآخِرِ وَ لا يُحرِّمُونَ ما حَرَّمَ اللهُ وَ رَسُولُهُ وَ لا يَدينُونَ دِيْنَ الحَقِّ مِنَ الّذيْنَ أُوتُوا الكِتابَ حَتّىٰ يُعْطُوا الجِزْيَةَ عَنْ يَدٍ وَ هُمْ صاغِرُونَ﴾.

(سورة التّوبة: ۲۹)

"And Fight those who have not faith in God, nor in the Hereafter, and (who) forbid not what God and His Prophet have forbidden and (who) are not committed to the religion of truth, of those who have been brought the Book, until they pay tribute by hand, and they are the low."

(9:29)

This Quranic verse deals with the People of

the Book, those non-Muslims who follow one of the holy books namely, the Jews, Christians and perhaps the Zoroastrians.

The verse speaks about war against the People of the Book, but at the same time, it does not tell us to fight them; it tells us to fight only those of them who have no faith in God and in the Hereafter, and who do not abide by the commands of God, allowing what He has forbidden and those who are not committed to the religion of truth. It is these people we are to fight unitl they pay the Jezyah (tribute). That is, when they are ready to pay the Jezyah and undertake not to hatch plots against Islam, we should stop fighting them.

This verse gives rise to many questions which remain to be answered through a study of Quranic verses pertaining to jihad, which we will set apart and review.

The first question that arises is, what exactly is meant by the words, *"Fight those who have not faith in God"*

﴿قاتِلُوا الّذينَ لايُؤمِنونَ بِاللهِ﴾ (التوبة: ٢٩)

Do they mean that we have to fight them from the very beginning? Or should we fight them the moment they hatch a conspiracy against the Islamic state? Is this verse an absolute one, or is it subject to the interpretation of other verses?

Conditional Verses and Absolute Verses

This term is a very important one, and I wish to explain it to you, for otherwise it will be difficult for you to grasp the full meaning of the verse under discussion. Any command (even a human command) can be given in one place with no condition, and then again in another situation with a condition attached. In such case, we immediately realize that whoever issued that command and introduced that law, wanted to achieve one goal in both instances. Now, having realized this, what are we to do? Are we to adhere to the absolute

command and assume that the conditional one was given for that special situation? Or should we interpret the absolute verses as the conditional ones which means adhering to the conditional command?

Let me cite a simple example. On two separate occasions, for instance, we are given a command by someone having the authority to do so and whose commands we respect. On one occasion, we are told that we must respect such and such person, which is an absolute command.

In another occasion he commands us to do the same thing, saying that we must respect that person if he does such and such like taking part in our meeting. The second time the command contains an "if". The command is now conditional. The person giving the command did not simply state that such and such a person is to be respected. The first command had no condition; we were simply told to respect him, and assuming we had ears and heard this

command, it would have meant to us that we were to respect that person whether he came to the meeting or he was too lazy to bother. But when we hear the other command, we understand that we are to respect the person provided he comes to the meeting, and, if he refrains from doing so, we are not to respect him.

The ulema say that the rule requires us to interpret the absolute verses as the conditional, meaning that we must assume the aim of the absolute verses to be exactly that of the conditional.

Now, among the absolute and conditional verses of the Quran pertaining to jihad, is one which states:

﴿قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ﴾ (التوبة:٢٩)

"Fight ye those who have not faith in God, nor in the hereafter and (who) forbid not what God and His Prophet have forbidden."

In another verse, we are told:

﴿وَقَاتِلُوا فِي سَبِيلِ اللهِ الَّذِينَ يُقَاتِلُونَكُمْ﴾ (البقرة: ١٩٠)

"Fight in the way of God those who fight you." (2:190)

What are the meanings of these verses? Do they mean that we must fight these people regardless of whether they are about to attack us? Is the command unconditional so that we must fight them whether they intend or not to attack us, whether they are guilty of aggression or not?

There are two possible views. One is that the command remains absolute. The People of the Book are not Muslims, so we are allowed to fight them. We are allowed to fight the non-Muslims until we subdue them. If they are not Muslims and not People of the Book, we should fight them until either they become Muslims or we kill them. If they are People of the Book, we should fight them until they become Muslims or, if they do not become Muslims, until they pay us tribute. Such is the opinion of those who say that the verse remains

absolute.

The other view, however, holds that the absolute verses must be interpreted as the conditional ones. Someone with this view would say that the other Quranic verses bring us the conditions for the legitimacy of jihad, we realize that the true meaning of the verses is not unconditional at all. What, then, are the conditions for the legitimacy of jihad? Amongst them, for example, are the following: that the other side intends to attack us; or that it creates a barrier against the call of Islam, meaning that, it negates the freedom of that call and becomes an obstacle to its diffusion, while Islam says that those barriers are to be removed. Or, likewise, in the case of a people subject to the oppression and tyranny of a group from amongst themselves, Islam says that we must fight those tyrants so as to deliver the oppressed from the claws of tyranny. This has been expressed in the Quran thus:

﴿وَمَا لَكُمْ لاتُقاتِلُونَ فِي سَبيلِ اللهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجالِ وَالنِّساءِ وَالوِلْدانِ﴾ (النساء: ٧٥)

"Why is it that you do not fight in the way of God and the way of the deprived (mustazafin)?" (4:75)

Why is it that we do not fight for God and for the men, women and children who are subject to torture and tyranny? In order to find an answer to this question we should study all Quranic verses which are related to jihad.

Can We Fight All the People of the Book?

The second question is related to the fact that the verse does not explicitly state that we are to fight all the People of the Book, but tells us that we are to fight against those who believe neither in God nor in the Hereafter,... who consider as permitted what God has forbidden, and who are not at all committed to any religion of truth. Now what does this mean? Does it mean that the Peopl of the Book en

masse (all the Jews, the Christians and the followers of different sects) have no faith in God, no faith in the Hereafter, no faith in God's ordinances and no faith in any religion based on truth, so that if one of them claims that he believes in God, he is a liar and does not actually believe in God? Is the Quran actually saying that all the People of the Book, in spite of their claim that they believe in God, in reality have no such belief? Is it possible for us to argue that because the Christians claim Jesus is God or the "Son of God", they really have no belief in God? Or that, because the Jews say things about Jacob, they have no more faith than the Christians? Or that those who say: *"The hand of God is tied"* (5:64) cannot be believers in the true God and does the same apply to the rest of the People of the Book?

Thinking in these terms will mean that we believe that the Quran does not recognize any faith in God or in the resurrection other than the faith of the Muslims. If we are asked why,

we will say that the Quran states the beliefs of the People of the Book to be confused and misconceived. A Christian, even if he is a learned Christian scholar, recognizes God and even recognizes the Oneness of God, but at the same time, he may have some idea about Jesus or Mary that pollutes his belief in the Oneness of God (Tawhid). This is the view of some of the Quranic commentators. To them, when the Quran tells us we are to fight the People of the Book, it means that we are to fight all the People of the Book, that the faith in God of none of them is a valid faith; that the faith in the resurrection and in what God has forbidden and permitted of none of them is valid. What these commentators believe is that the word "Prophet" in this verse means the last of the prophets, Muhammad, peace and blessing be upon him and his household, and that "religion of truth" means the religion which mankind of today has the duty to accept, rather than a religion which was the duty of people to accept

during some particular period in the past.

A different group of commentators, however, consider that with this statement, the Quran intended to show us that the People of the Book form two categories; that not all the People of the Book are the same; that some of them really do believe in God, and resurrection, really do believe in the laws of God. So, we have nothing to do with them. Those whom we are to fight, are those who are People of the Book in name only, but who in reality, have no valid belief at all, and who do not consider as forbidden what God has forbidden, even what He has forbidden in their own religion. So it is not with all the Peopl of the Book that we are to fight, but a group from amongst them. This is another issue in itself.

What is Jezyah (Tribute)?

The third question relates to the word jezyah or tribute. We are told to fight them until they pay the jezyah, which means until they either

accept Islam or pay the jezyah. In the Quran there is no doubt that a difference has been maintained between the People of the Book and the polytheists, or *mushrekin,* those who formally worship idols and do not follow any holy book. Nowhere in the Quran are we told to fight the *mushrekin* until they pay the jezyah, and to fight them no more once they have paid it. Concerning the People of the Book, however, we are told that once they are willing to pay the jezyah, we are to fight them no longer. This is a difference that clearly exists.

This brings us to a question: What is jezyah? There is debate about the word itself. Some say it is not an Arabic word by origin; that is has no Arabic root, but it is a derivative of the Persian word *gaziyet*, the name of a tax introduced by Anoushiravan, the Sassanid King of Persia. This tax, however, was a poll tax on the people of Persia themselves and not on anyone else and it was collected for war. The use of the word then spread from Iran to Hira, a town

situated roughly on the site of present-day Najaf (in Iraq) and from there it was adopted by the rest of the Arabian Peninsula where it became widely used.

Others reject this. Though it is true that jezyah and gaziyeh are very close, jezyah is an Arabic word from the root 'jaza' - and this is the view of most etymologists. The real interest is not in the nature of the word, however, for what we are looking for is the nature of the essence which the word denotes. Is jezyah the extortion of 'protection money' or a kind of blackmail? Does Islam tell us to fight so as to obtain blackmail and, when it has been paid, to fight no longer? A poet has even said:

"We are such that from emperors we have taken taxes, after we took their crowns and maces."

If the meaning of jezyah implies a kind of blackmail, the question arises as to what is the meaning of it all. What kind of instruction is it? Is it not a law of violence and brute force?

What kind of basis in human rights and justice can it have, for Islam to give Muslims permission, even make it obligatory for them, to fight the people of other religions until they either accept Islam or buy the Muslims off? Both these alternatives present a problem, for fighting them until they become Muslims will mean imposing Islam on them, and fighting them until they buy the Muslims off will mean exacting wealth from them. Both alternatives are the use of violence and force, for either it means imposing beliefs upon them or forcefully extracting money from them. So here too we must enter into details to find out just what jezyah is. Is it really 'blackmail', 'protection money', 'danegeld'? Or is it something else?

Here, the Quran says *"vahom sagheroon"* meaning, 'and they are the low', «while they are the low». Sagheroon comes from the word *"seghar"* and *"seghar"* means low(minor). What is the meaning of, they are the low? This

is also the fourth question. What is the meaning of they are the low? Does it mean that they must only humble themselves before your power or does Islam mean other matters besides humility (being humble)?

Here we must set aside the meaning of this verse and the questions that arise from it, and look at other issues that must be separately analysed and discussed.

Philosophy and Goals of Jihad

The fifth issue concerns the reason for the law of jihad in Islam. Some believe that there should be no jihad in religion at all: religion should contain no law of war: since war is a bad thing, religion must oppose it and not itself establish war as a law. We, on the other hand, know that jihad is a basic principle in Islam.

Of the arguments that Christians propagate in an extraordinary fashion against Islam is this one. First, they ask why such a law exist in Islam? Then they state that due to this legal

permission, Muslims started wars with various peoples, forcibly imposing Islam on them. They claim that the Islamic jihads were all fought for the imposition of Islamic belief. It is due to this permission that Muslims imposed Islam by force, which is how, they say, up to now, Islam has always spread. They say that the principle of jihad in Islam and one of the basic rights of man, viz, freedom of belief, are in eternal conflict. This is one of the issues to be discussed.

A second issue is the difference that Islam has maintained in the laws of jihad between the *mushrekin* - the polytheists - and the non-polytheists. There is a provision for living in harmony with the People of the Book that is not applicable to the polytheists.

Another issue is the question of whether Islam differentiates between the Arabian Peninsula and the rest of the world. Has Islam appointed for itself a place as its headquarters, its center, wherein no one from amongst the

mushrekin or the People of the Book is admitted? And is that place the Arabian Peninsula, while in other places Islam is not so severe, and, for example, lives in harmony with the *mushrekin* or the People of the Book? In short, is the Arabian Peninsula any different in these terms or not?

The answer is that between Mecca and other places, there is without a doubt a difference, and in the verse preceding the one under discussion we are told:

﴿إِنَّما المُشرِكُونَ نَجَسٌ فَلا يَقْرَبُوا المَسْجِدَ الحَرامَ بَعْدَ عامِهِمْ هذا﴾ (التوبة: ٢٨)

"The idolators are filth, so they must not approach the Masjid ul-Haram (in Mecca)."(9:28)

The fourth issue concerns agreements with *mushrekin*. Is a Muslim allowed to make agreements with such people? Can he make promises to them? And if he does, is the promise or agreement to be honored or not?

The last issue concerns the conditions of war. When Islam has legalized warfare, what kind of warfare, in terms of the particular conditions of war, does Islam see as legal, and what kind of war does it see as forbidden? For example, does Islam consider the killing of a whole people to be lawful or forbidden? Does Islam view as permissible the killing of those who have not lifted the sword: old women, children, men who are peacefully engaged in their jobs and trades? Is the killing of all these in the view of Islam permissible or forbidden? These are all issues that have to be discussed. The verses pertaining to jihad occur in many places in the Quran. We shall try to compile all of them with the help of God so as to obtain the view of Islam on this matter.

The Legitimacy of Jihad

The first issue that we shall consider will relate to the legitimacy of jihad. Is it correct for a law of war to exist within the context of

religion and the text of its commands? Protestors say, *"No, war is evil, and religion must always be opposed to evil, so religion must always be opposed to war. It must always support peace. And, since it intends to support peace, it must not have any law about war, and it must never itself go to war."* This is the kind of propaganda that Christians carry on; weak and limpid, with no ground to stand on.

War - Is it always bad? If it is in defense of a right, against oppression, is it still bad? Obviously not. We must regard the conditions and motives of war and consider for what motive and aim war is fought. There are times when war is aggression. When, for example, group of people or a nation sets its greedy eyes on the rights of others, on the lands of others, or when it sets its sights on the common wealth of a people, or falls prey to over-ambition, to lust for preeminence or superiority, and claiming that *"of all races our race is the most outstanding, superior to other races, and thus*

we must rule over those races." Obviously, war for these reasons is not legitimate. When a war is launched to take possession of land, to seize ownership of national wealth, or due to contempt of others and out of sentiment of racial superiority *(i.e "those people are inferior to us, we are superior, and the superior must govern over the inferior")* it is a war of aggression. These types of war are certainly evil, and there can be no doubt about it. We will later talk about another type of war, war for the imposition of belief.

But if a war of defense is undertaken in the face of aggression -- others have occupied our land, or have cast their eyes on our wealth and property, or on our freedom and self-esteem, which they want to deprive us of, and intend to impose their rule over us -- in these cases, what has religion to say? Is it to say, *"War is absoluely evil, laying hands on a weapon is evil, picking up a sword is evil,"* and that it advocates peace? And, when facing imminent

attack and the risk of being destroyed, must we not go to war? If we do not, would it not mean failing to defend ourselves on the pretext of peace? This would not be peace, this would be surrender.

Peace is not Submission

In such an event, we cannot say that because we are the advocates of peace, we are opposed to war. Such a thing would mean that we are advocates of misery; advocates of surrender. Make no mistake, peace and surrender are as different from each other as chalk and cheese. The meaning of peace is honorable coexistence with others, but surrender is not honorable coexistence; it is co-existence that on one side is absolutely dishonorable. In fact, it is a coexistence that is absolutely dishonorable on both sides. On one side, the dishonor is of aggression, and on the other side, it is the dishonor of surrender in the face of *zulm,* in the face of injustice and oppression.

So this fallacy must be eradicated, and a person who is opposed to war, saying that war is totally bad -- be it injustice or be it defense and resistance in the face of injustice -- has made a great mistake. War that means aggression must be fully condemned while war that means insurrection *(qiyam)* in the face of transgression is to be commended and is necessary for human existence.

The Quran also indicates this matter, in fact it illuminates it. It says:

﴿وَلَولا دَفْعُ اللهِ النّاسَ بَعْضَهُمْ بِبَعْضٍ لَفَسَدَتِ الأَرضُ﴾

(البقرة: ٢٥١)

"And If God did not prevent mankind, some with others, the earth would be full of corruption." (2:251) And elsewhere, it tells us:

﴿لَهُدِّمَتْ صَوامِعُ وَبِيَعٌ وَصَلَواتٌ وَمَساجِدُ يُذْكَرُ فِيْها اسْمُ اللهِ﴾ (الحج: ٢٢)

"If God did not prevent people, some with some (others) then truly the cloisters and

churches and synagogues and mosques -- in which is oft brought to mind the Name of God -- would have been destroyed." (22:40)

So, if God did not prevent some people by means of other people, ruin and corruption would become the rule every- where. Furthermore, it is for this very reason that all the countries of the world deem it necessary, essential for themselves to maintain armed forces for their defense. The existence of armed forces, the duty of which is to prevent aggression, is an absolute necessity. Now, if there are two countries that both have armed forces -- one for aggression and the other for defense -- do not say that the one which has an army without the intention of aggression is weaker than the other and if it were stronger it would also intend to aggress. We are not concerned with this matter. The fact is that the existence of an army for defence is essential for every nation in order for that nation to be strong enough to check any aggression against

itself.

Thus, the Quran tells us:

﴿وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ تُرْهِبُونَ بِهِ عَدُوَّ اللهِ وَعَدُوَّكُمْ﴾ (الأنفال: ٦٠)

"Prepare against them armies, of readied steeds: you frighten thereby God's enemies and you renemies." (8:60)

The statement means, "prepare forces as much as you can and centralize your forces in your frontiers. *Rebat* comes from the word *Rabt*. *Rabt* means to tie. *Rebat-el-Khayl* means tied horses (horses tethered). The statement about horses in readiness is made because in the past, the strength of armies consisted mostly in horses, but naturally each age has its own characteristics. What the Quran is saying here is that for the fear of our strength to enter the hearts of our enemies and so as not to lay the idea of aggression in their mind, we are to build ourselves an army and make ourselves strong.

Difference between Islam and Christianity

It is said about Christianity that it has the distinction of not having any rule governing war. We, on the other hand, say that Islam has the distinction of having the law of jihad. If we look closely, we see that in Christianity there is no jihad because it has nothing at all. By which I mean that there is no Christian social structure, no Christian legal system, and no Christian rules as to how a society is to be formed. There is no need for this religion to contain a law of jihad. Christianity contains no more than a few moral teachings that form a set of advice such as "tell the truth", `do not tell lies', `do not gobble up the wealth of others', and so on. Such a religion does not call for jihad. Islam however is a religion that sees it its duty and commitment to form an Islamic state.

Islam came to reform society and to form a nation and government. Its mandate is the reform of the whole world. Such a religion cannot be indifferent towards developments. It

cannot be without a law of jihad. In the same way, its government cannot be without an army. While the scope of Christianity is extremely limited, that of Islam is extremely wide. While Christianity does not cross the frontiers of advice, Islam is a religion which covers all the activities of human life. It has laws which govern the society; economic laws, and political laws. It came to establish a state and to set up a government. Once this is accomplished, how can it remain without an army? How can it be without a law of jihad?

Islam and Peace

Thus, those groups which claim that religion must always oppose war, and advocate peace, because peace is good and war is totally bad, are mistaken. Religion must of course advocate peace, and the Quran says: *"Was-Solho khayron", "Peace is better"* but it must also advocate war. If the opposing side is not ready to co-exist honorably, for example,

and being oppressive it intends to trample upon human dignity and honor, and we do submit, then we have welcomed misery; we have accepted dishonor. Islam says:

"Make peace if the other side is ready and willing to accept it. If not, and it turns to war: then wage a war."

Conditions for Warfare

The Second issue concerns the circumstances in which Islam says we must fight. The first verse of the Quran that was revealed about jihad, in the accepted view of all the commentators, is the one from Surah Hajj:

﴿إِنَّ اللهَ يُدافِعُ عَنِ الَّذينَ آمَنُوا إِنَّ اللهَ لا يُحِبُّ كُلَّ خَوّانٍ
كَفُورٍ. أُذِنَ لِلَّذينَ يُقاتَلُونَ بِأَنَّهُمْ ظُلِمُوا وَإِنَّ اللهَ عَلىٰ نَصْرِهِمْ
لَقَدِيرٌ. اَلَّذينَ أُخْرِجُوا مِن دِيارِهِمْ بِغَيرِ حَقٍّ إِلاّ أَنْ يَقُولُوا رَبُّنا
اللهُ وَلَوْلا دَفْعُ اللهِ النّاسَ بَعْضَهُمْ بِبَعْضٍ لَهُدِّمَتْ صَوامِعُ وَ بِيَعٌ
وَصَلَوَاتٌ وَمَساجِدُ يُذْكَرُ فِيها اسْمُ اللهِ كَثيراً وَلَيَنْصُرَنَّ اللهُ مَنْ
يَنْصُرُهُ إِنَّ اللهَ لَقَوِيٌّ عَزيزٌ. اَلَّذِيْنَ إِنْ مَكَّنّاهُمْ فِي الأَرضِ

أَقامُوا الصَّلٰوةَ وَآتَوُا الزَّكٰوةَ وَأَمَرُوا بِالْمَعْرُوفِ وَ نَـهَوْا عَـنِ
الْمُنْكَرِ وَلِلّٰهِ عاقِبَةُ الأُمُورِ﴾ (الحج: ٣٨ - ٤١)

"Truly God defends those who have faith. Truly God loves not the treacherous rejector (Kafir). Permission (for warfare) is given to those who are attacked and definitely wronged. And truly God is capable of helping without justice, for no reason except their saying: "Our Nourisher is God" and if God did not prevent people, some with some (others) then truly cloisters, churches, synagogues, and mosques, in which the Name of God is oft brought to mind, would have been destroyed. And God will help whoever helps Him - for truly God is Powerful, Prevailing - those who, if we settle them in the earth, establish prayer, pay the zakat and command to what is recognized and prohibit what is rejected. And with God is the result of all affairs" (22:38 - 41)

These are amazing verses. They are the very first revealed Quranic verses concerning the

legislation of jihad.

The Muslims in Mecca

Before an elaborating on these verses, however, we must turn our attention to something else first. As we know, the first revelation was brought down to the Prophet in Mecca, when he was forty years old. After that, the Prophet lived thirteen years in Mecca, during which time, either he himself or his companions were terribly tortured by the pagans of the Quraysh, the ruling houses of Mecca, so much so that a group of them were forced to seek permission from the Holy Prophet to migrate. They left Mecca and went to Ethiopia. Repeatedly the Muslims asked the Holy Prophet for permission to defend themselves, but during those thirteen years that he was in Mecca, he did not grant it -- for which there was a good reason -- until at last his holy mission reached a certain stage of its development and Islam spread through other

places, to Medina. There, a small group of Medinans embraced Islam and took an oath of allegiance to the Prophet, and made a covenant that if he were to come to Medina they would support him. So the Holy Prophet migrated to Medina and the Muslims also gradually migrated and, in Medina for the first time, an independent Muslim base was established. During the first year, permission for defense was still not given. It was during the second year of the hijrah that the first verses on jihad, the same verses I have just recited, were revealed. The tone of the verse goes thus:

﴿إِنَّ اللَّهَ يُدَافِعُ عَنِ الَّذِينَ آمَنُوا﴾ (الحج: ٣٨)

"Truly God defends those who have faith... God loves not the treacherous rejector."

This indicates that the polytheists had been treacherous to the Muslims, had betrayed them, had transgressed against them, and had rejected God's blessing upon themselves. Then it declares:

﴿أُذِنَ لِلَّذِينَ يُقاتَلُونَ بِأَنَّهُمْ ظُلِمُوا﴾ (الحج: ٣٩)

"Permission (for warfare) is given to those who have been attacked and definitely wronged." Permission to fight has been given to those whom others have come to fight. Which means: O Muslims, now that the polytheist rejectors have come to fight you, fight them. In reality this is a state of defense. Why has this permission been given? Because the oppressed must defend themselves. Then comes a promise of help:

﴿وإِنَّ اللهَ عَلىٰ نَصْرِهِمْ لَقَدِيْرٌ ٱلَّذِيْنَ أُخْرِجُوا مِنْ دِيـارِهِمْ بِغَيْرِ حَقٍّ إِلاّ أَنْ يَقُولُوا رَبُّنا اللهُ﴾ (الحج: ٣٩ - ٤٠)

"And truly God is capable of helping them; those who have been expelled from their homes for no reason for their saying: `Our Nourisher is God"

To those people who have been unjustly turned out of their homes and lands for no offense except that they said, *"Our Rabb, our*

Lord, Master, Cherisher and Nourisher, is God", God gives permission for jihad. Their offense was that they said: *"Rabbonallah", "God is our Rabb."* To such people does God give permission to fight.

Notice to what extent the verse adopts a tone of defense. Then it states the whole reasoning behind jihad. The Quran is amazing in the way it discloses realities and brings to mind all their details. For here comes a particular verse just as if the Quran had been confronted with all the questions and problems raised by the Christians of today, who say:

"O Quran. You are supposed to be a divine book, you are supposed to be a religious book, how can you give permission to fight? War is a bad thing, always say `peace'! Say 'Purity'! Say `Worship."!

But the Quran tells us: No. If the other side becomes aggressive towards us and we do not defend ourselves, we will face complete disorder. All the houses of worship will be

destroyed:

﴿وَلَولا دَفعُ اللهِ النّاسَ بَعْضَهُمْ بِبَعْضٍ لَهُدِّمَتْ صَوامِعُ وَبِيَعٌ وَصَلَواتٌ وَ مَساجِدُ يَذْكَرُ فيها اسْمُ اللهِ﴾ (الحج: ٤٠)

"And if God did not prevent people, some with some (others) then truly cloisters, churches, synagogues and mosques, in which the Name of God is oft brought to mind, would have been destroyed." If God did not check the aggression of some people by means of others, all the houses of worship of all the different sects and religions would be destroyed. The churches of Christians, the synagogues of Jews, the monastries, the masjids, places of prostration of Muslims, all would exist no longer. Some people would commit such aggression that no one would find the freedom in which to worship God.

﴿وَلَيَنْصُرَنَّ اللهُ مَنْ يَنْصُرهُ إنَّ اللهَ لَقَوِيٌّ عَزِيزٌ﴾

The Quran then makes a promise of help:

"And God will help whoever helps Him --

Truly God is Powerful, Prevailing."

Whoever helps God, meaning whoever helps the truth and justice of reality, will be helped by God, and God is Powerful and ever the Victor.

Now notice how God describes those He helps. God helps the people who defend themselves, the people who, when they establish a government, form one on these lines:

اَلَّذِيْنَ إِنْ مَكَّنَّاهُمْ فِي الأَرضِ

"Those who, if we settle them in the earth,..." the people who, when God gives them a place to inhabit and sets up a government for them, the people who, when God gives them power and authority, form a state on these lines. What lines?

أَقامُوا الصَّلوٰةَ

"... establish prayer,..." —They institute worship of God.

وَآتَوُا الزَّكاةَ

"Pay the zakat..." —They pay the purification tax. Prayer is the correct spiritual bond between man and God, and zakat is the correct spiritual bond of cooperation between individuals. The people who worship God in sincerity and help one another.

"... and command to what is recognized and forbid what is rejected",

وَأَمَرُوْا بِالْمَعْرُوْفِ وَنَهَوْا عَنِ الْمُنْكَرِ

They consider themselves obliged to promote what is good and to combat what is evil.

وَلِلّٰهِ عاقِبَةُ الأُمُورِ﴾ (الحج: ٤٠ - ٤١)

"And with God is the result of all affairs." The result of all matters, all subjects, are in the "hands" of God.

What we have learnt so far is that the Quran has fundamentally defined jihad not as a war of aggression or of superiority or of authority, but of resistance against aggression.

Of course, the forms of aggression to be resisted are not always on the lines of one party invading the territory of another. Perhaps a form of aggression will be on the lines of the other side in its own territory subjecting to torture and tyranny a group from amongst themselves, a group that is weak and powerless, who, in terms of the Quran, are called *mustazafin*. In scuh conditions Muslims cannot remain indifferently aloof. Muslims have a mandate to free such afflicted people. Or perhaps the other side has created such a terrible state of repression that the call of *haqq*, the call of truth, love and justice is not allowed to flourish; has created a barrier, an obstacle, which must be destroyed. All these are types of transgressions. Muslims must free mankind from the chains of bondage of thought and other bondages. In all these conditions jihad is an urgent necessity; and such a jihad is in defense, in resistance against *zulm,* against injustice and oppression, against transgression.

The word `defense' in its general meaning means resistance against an existing *zulm* or injustice and oppression, but the types of *zulm* and the types of transgression against which jihad, in the view of Islam, is a necessity, are still to be discussed.

Chapter II

Defense or Aggression

Christianity's objections to Islam

Previously we said that one of the points that, in its own view, the world of Christianity considers to be a weak point of Islam is the issue of Islamic jihad, which prompts it to say that Islam is a religion of war, not a religion of peace, while Christianity is a religion of peace. It says that war is totally bad and peace is good, and any religion that is divinely founded must advocate peace which is good, and not advocate war, which is bad. Until yesterday Christianity looked at things from the angle of morality; morality exclusive to Christianity;

morality that has entered the stage of *"turning the other cheek";* morality that fosters limpidity. But Christianity today has switched positions. It has changed its face. It now looks at things from a different angle, and carries on its propaganda through a different channel, through the channel of basic human rights and the basic human right to freedom. Through the channel of *"war being totally opposed to the right to freedom."* Through freedom of belief, *freedom of will,* freedom of choice of religion, nationality and other things. But we Muslims look at the issue from both angles, both from the moral angle and the standards of morality, and also from the angle of human rights and the *"new"* human values. I stated the answer to this matter in the previous chapter. It is self-evident and clear that what the Christians are saying is not at all valid.

Of course peace is good. There is no doubt about it. And war, for the sake of aggression against other people - - people who have no

intentions against the aggressor, no intentions against that aggressive society - - war for the sake of occupying another nation's lands and of grabbing its property, for the sake of enslaving its people, for the sake of subjecting them to the influence and laws of the aggressors, is undoubtedly bad. Transgression and aggression are bad. But all war, on all sides, is not always aggression. War can be aggressive and it can also be a reply to aggression, for sometimes the reply to aggression must be given by force. There are times that force is the only reply that can be given.

Any religion, if it is a complete one, must have instructions on aggresstion against itself and other nations. It is for such an occasion that religion must have a law of war, a law of jihad. The Christians say that peace is good, and we agree; peace is good. But what about submission, humiliation and misery? Are submission, humiliation and misery also good? If one power is faced with another power and

both advocate peace, both of them desire, in today's terms, to live in peaceful co-existence without one power wishing to invade the other, both are willing to live in peace with mutual respect, then this is called peace and is good and essential.

There is a time, however, when one group is the aggressor and, on the pretext of war being bad, the other group accepts surrender, this is, humiliation, not peace. This is willingly acceptance of humiliation and misery. Such a submission in the face of force can never be called peace. For example, while you are passing a desert, an armed bandit attacks you suddenly and orders you to *"get off your car quickly, raise your hand and give me anything you have."* Here you submit yourself and say to him: *"I am an advocate of peace and opposed to war completely. I'll accept anything you order. I give you my money, my luggage and baggage, my car and I'll obey anything you say. Say anything you want and I will give it to*

you. Because I advocate peace." This is not advocacy of peace. This is the acceptance of humiliation. In this case a man must defend his property, and his prestige unless he knows that if he decides to defend himself, his property will be robbed, his blood shed and there will be no use in it. Of course it must be brone in mind that some times sacrificing one's blood is very effective, when someone's blood is shed and everything comes to end, resistance is not wise and one must sacrifice one's money and wealth in order to save one's life.

There is a difference between the advocaty of peace and the acceptance of humiliation. Islam never allows humiliation, while at the same time it strongly advocates peace.

What I want to stress is the importance of this issue which Christians and others have used to attack and protest Islam, claiming it to be Islam's weak point. They claim that according to the precepts of Holy Prophet Islam is a religion of the sword; Muslims raised the

sword over the heads of people and said, *"choose Islam or die";* and that people accepted Islam in order to stay alive. Therefore, I think it is necessary for us to discuss this issue throughly and minutely, and we will use not only verses from the Quran, but also confirmed traditions of the Prophet and glimpses from his life. We shall start with the Qurnic verses.

Absolute Verses about Jihad

I said that some of the Quranic instructions about jihad against Kuffar (disbelievers) are absolute, which means they state only this: *"O Prophet Fight with the kuffar and the hypocrites."* According to certain verses, after a period which is given to the polytheists (four months), if they have not adopted Islam or haven't migrated, then they are to be killed. (Does it refer to the surroundings of Mecca and around the sanctuary or every place? This question must be discussed later.) The verse with which we began our discussion is also

about the People of the Book:

﴿قاتِلُوْا الّذِيْنَ لا يُؤْمِنُوْنَ بِاللهِ وَلا بِاليَوْمِ الآخِرِ وَ لا يُحَرِّمُوْنَ ما حَرَّمَ اللهُ وَرَسُوْلُهُ وَ لا يَدِيْنُوْنَ دِيْنَ الحقِّ مِنَ الّذِيْنَ أوتوا الكِتابَ حَتّىٰ يُعْطُوْا الجِزْيَةَ عَنْ يَدٍ وَ هُمْ صاغِرُوْنَ﴾ (التوبة: ٢٩)

"And fight those who have not faith in God, nor in the Hereafter and (who) forbid not what God and His Prophet have forbidden, and who are not committed to the religion of truth."

The following verse is also about the same issue:

﴿ يا أيُّها النَّبِيُّ جاهِدِ الكُفّارَ وَالمُنافِقِيْنَ﴾ (التوبة: ٧٣)

"O Prophet, Fight the kufar (disbelievers) and hypocrites and be stern against them." (9:73) If we were to pay attention only to this verse, we would say that Islam fully instructs the Muslims to fight kuffar and hypocrites and they (Muslims) must never be in a state of peace with them and fight them, as vehemently

as they can. If we interpret the above verses like this, we will come to believe that the Quran unconditionally tells us to fight the non - Muslims.

I stated, however, that there is a scholastic rule indicating that when both an absolute and a conditional command exist, i.e., when there is an instruction that in one place is absolute but in another place it has a condition attached, then, according to the ulema, the absolute must be interpreted as the conditional. The verses I have just recited are absolute. There are other verses about the same issue which are conditional:

"O Muslims. Fight against those polytheists for the reason that they are in aggression against you, because they are in a state of war with you, and therefore you definitely have to fight against them."

Thus it becomes clear that when the Quran says: "O Prophet fight against the kuffar and hypocrites," it means that we must fight those

kuffar and hypocrites who are fighting us and who will continue fighting if we fight them.

Conditional Verses

The Quran states:

﴿وَقاتِلُوْا في سَبيْلِ اللهِ الّذيْنَ يُقاتِلُونَكُمْ وَلا تَعْتَدُوا إنَّ اللهَ لا يُحِبُّ المُعْتَدِيْنَ﴾ (البقرة: ١٩٠)

"And fight in the path of God with those who are fighting with you and do not transgress, God loves not those who transgress." (2:190)
O You of Faith, fight those who are fighting you, i.e, fight them because they are fighting you, but do not violate the limit. Does it mean not to be the transgressor? It abviously refers to those who are fighting us and that we are to fight not anyone else, and that it is in the battleground that we are to fight. We are to fight certain group of people, i.e., the soldiers that the other side has sent, the men of war they prepared to fight against us and who are fighting us.

But do not transgress the limit while fighting them. What does it mean? It means that fight only those who are fighting you, fight their soldiers in the battlefield. Fight the soldiers who have been dispatched to fight. Battlefield is not a place for joy; it is a field for crossing swords, exchanging bullets, and fighting. But we are not allowed to unnecessarily disturb the civilians - men, women and children. You are not allowed to commit atrocities which are tantamont to aggression like cutting the trees, filling their canals, etc.

However, in certain cases, we have to destroy houses in order to pave the way for war, this is another issue. But if destroying houses is not part and parcel of military operations, it is not allowed in Islam.

Another conditional verse, the first revealed verse on jihad, says that because the other side has drawn its sword against us, we can do the same.

In another verse of Surah Tawba, we are told:

﴿وَقَاتِلُوْا الْمُشْرِكِيْنَ كَافَّةً كَمَا يُقَاتِلُوْنَكُمْ كَافَّةً﴾ (التوبة: ٣٦)

"Fight with all the polytheists just as they fight with all of you." (9:36)

Rushing to the Defense of the Oppressed

Before touching this subject and the verses relating to it, a point must be mentioned. I stated that the permission for jihad is subject to some conditions. What conditions? One is that the opposing side is in a state of aggression. They are attacking us, and because they are fighting against us we must fight them. Are the conditions for jihad limited to just this: that the other side wants to fight us? Or are there other factors? When the other side is guilty of a gross injustice towards another group of human beings, and we have it in our power to save those human beings from the clutches of that aggressor, if we do not save them, we are helping the oppressor against the oppressed. If

the group is Muslim - like today's Palestinians who have been exiled from their homes, their wealth seized, and have been subjected to all kinds of transgression -- at the same time, for the moment, the transgressor has no intention against us. Is it permissible for us in such circumstances to hurry to the help of those oppressed Muslims to rescue them?

Not only it is permissible, but in fact it is obligatory. It would not be a case of commencing hostilities, it would be rushing to the defense of the oppressed, especially if they are Muslims, to deliver them from the clutches of oppression.

But if the oppressed person or party is not a Muslim, then the tyranny can be of two types. There is a time when the oppressor has positioned a people in a vacuum and blocks the call of Islam. Islam gives itself the right to spread its message throughout the world, but this depends upon the existence of freedom for it to spread.

Imagine some government that says to the Muslims who are delivering the call of Islam to a nation: " *You have not right to say what you are saying. We do not allow it.*" In these circumstances, it is not permissible for us to fight with that nation, with those people who are blameless and ignorant. But is it permissible for us to fight against that corrupt regime which props itself up with a putrid ideology that it uses like a chain around the necks of the people to imprison them in a blind alley and isolate them from the call of truth? Is it permissible for us to fight that regime so as to remove that obstacle? Or, in real terms, is it permissible for us to fight against that prison of repression? In Islam this is also permissible, for this itself would be a form of uprising against zulm, against injustice and oppression. It may be that the wronged, the oppressed, are not aware of the nature of the injustice and have not sought for help, but in fact there is no need for them to request it.

The seeking of help is another issue, assuming that the oppressed seek help from us, is it permissible or obligatory for us to help them? Even if they do not apply for help, is it still permissible for us to help them? The answer is that it is not necessary for them to seek our help. The simple fact that the oppressed are oppressed, that an oppressive regime has erected a wall, a barrier, for its own well-being, preventing a nation from becoming aware of the call wherein lies the prosperity and happiness of that nation, the call which if they hear and become awar of, they are sure to accept, prompts Islam to say that we can break that barrier which exists in the form of a repressive government, between it and those people.

Wars of Early Islam

Many of the wars of early Islam were fought for removing the barriers in the way of the spread of the message of Islam. The Muslims

who went to war used to say that they had no fight with the people of the world, and that they were fighting governments in order to rescue people from the misery and slavery imposed on them by those governments. When Rustam Farrokhzad the pre-Islamic champion of Persia asked the Muslims what their goal was, they replied:

﴿لِنُخْرِجَ العِبادَ مِنْ عِبادَةِ العِبَادِ إلىٰ عِبادَةِ اللهِ﴾

"To make man worship God instead of bowing down to man." Our aim is to free these creatures of God, whom, by trick and violence, you have placed under the yoke of slavery and bondage to youselves. We are going to deliver them from the yoke of bondage to you. We are going to set them free, make them the devotees of God, the Sublime, the devotees of their Creator; not the devotees of what is created by Him just as they themselves are.

In the letters that the Holy Prophet of Islam wrote to the People of the Book, he particularly

used to include this Quranic verse:

﴿قُلْ يَا أَهْلَ الكِتابِ تَعالَوْا إلىٰ كَلِمَةٍ سَواءٍ بَيْنَنا وَبَيْنَكُمْ أَلّا نَعْبُدَ إلّا اللهَ وَلا نُشْرِكَ بِهِ شَيْئاً وَلا يَتَّخِذَ بَعْضنا بَعْضاً أرْباباً مِنْ دُونِ اللهِ﴾ (آل عمران: ٦٤)

"Say: O You of the Book, come to an expression that is equal between us and you, that we worship none except God, and associate nothing with Him, and that some of us do not take others as our Lord." (3:64)This verse instructed the Prophet to invite the People of he Book (the same people about whom the instructions of jihad were revealed) to accept an expression, an expression that was the same in respect to them as it was in respect to us. It does not say that they are to accept an expression that is for our benefit and related only to us. It says that they are to accept the expression that is the same for all.

If, for example, we say to people: *"Come, O people, accept our language,"* then those people have the right to say: *"Why? We*

ourselves have a language, why should we accept yours?" Or we might say: *"Come and accept our special habits and customs."* They may say: *"Why should we accept your habits and customs? We have our own."* But if we say: *"Come and accept this thing that is not ours and not yours, but is everyone's; God is the God of us all, so accept Him,"*, this relates no more only to us. When we say: *"Worship He who is both our Creator and your Creator, rather He who is the Creator of all"*, then this is the same for them as it is for us. The Quran says:

﴿ تَعَالَوْا إِلَىٰ كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ ﴾ (آل عمران: ٦٤)

"Come to an expression that is equal between us and you." only God, the Creator of us all is to be worshipped. And another expression that is supremely profitable both for us and for them is:

﴿وَلا يَتَّخِذَ بَعضَنا بَعْضاً أَرْباباً مِنْ دُونِ اللهِ﴾ (آل عمران: ٦٤)

"And that some of us do not take others as our Lords." It means that the social order of master and servant is cancelled, and the order of equality between human beings is established. This verse reveals that if we fight, we fight for what is the same is regards to all mankind. Having stated this, we can now say that one of the conditions which the absolut everse can be subjected to is that, if a group of people is bearing the oppression of a certain group, it becomes permissible for us to fight to free that group.

Now there are two other verses that I wish to recite, the first one of which is a verse from Surah Anfal:

﴿وَقاتِلُوْهُمْ حَتّىٰ لاتَكُوْنَ فِتنَةٌ وَيَكُونَ الدِّينُ كُلُّهُ لِلّٰهِ﴾

(الأنفال: ٣٩)

"And fight with them until there is no chaos, and religion is wholly for God." What is the

meaning of this? It means that we are to fight with those who create chaos amongst us and who want to cause us, Muslims, to relinquish our religion. With these we are to fight until the chaos they cause is eliminated. This is itself a condition. A further condition is contained in verse 75 from Surah Nisa:

﴿وَمَا لَكُمْ لاتُقَاتِلُونَ فِي سَبِيلِ اللهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالوِلْدانِ﴾ (النساء: ٧٥)

"And why is it that you do not fight in the way of God and the way of the mustazafin of men, women, and children?" O Muslims why are you not fighting in the way of God and in the way of those who are helpless? Men, women and children who are helpless in distress; why do you not fight for them? Why do you not fight to save them?

Interpreting the Absolute as the Conditional

These five verses that we have spoken about have shown us that, if the instructions of Islam about jihad given in some places are absolute and in other places they are conditional, the absolute must be interpreted as the conditional by the scholars.

No Compulsion in Religion

In the Quran we have a group of verses which specify that religion is to be accepted freely and cannot be forced upon someone and this confirms what we have been saying, namely, that in Islam no one can be coerced, be told either to become Muslims or die. These verses explain those absolute verses in a different way.

One is part of *"Ayat-ul-kursi"* (2: 255-257) and is well-known:

﴿لاإكراهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الغَيِّ﴾ (البقرة: ٢٥٦)

"There is no compulsion in religion, for the truth has been made manifest from the false." Which means that we must explain clearly the right path to people. There is no place for the use of compulsion in religion, no one must be obliged to accept the religion of Islam. This verse is explicit in its meaning. In the Quranic commentaries it is written that an Ansari who had previously been a polytheist had two sons who had converted to Christianity. These two sons had become fascinated by Christianity and were very devoted to it, but their father was now a Muslim and upset that his sons had become Christians. He went to the Holy Prophet and said to him: *"O the prophet! What can I do to these sons of mine who have become Christians?* They do not accept Islam. Do you give me permission to force them to leave their religion and become Muslims?" The Prophet

said: *"No. There is no compulsion in religion."* About the circumstances in which this verse was revealed, it is written that there were two tibes, the Aws and the Khazraj, who were living in Medina, and who were the original inhabitants of Medina. At the dawn of Islam they were living there together with several large Jewish tribes who had come to Medina at a later period. One was the Bani Nazir tribe, and another was the Bani Qoraizeh, while there was yet another large tribe of Jews that lived on the fringes of the city.

The Jews, having Judaism as their religion and having also a holy book, came to be more or less considered as the learned of that society, while, amongst the original inhabitants of Medina, who were polytheists and generally illiterate, there had newly come into existence a small group also able to read and write. The Jews, as a result of their superior culture and the wide dimension of their thoughts, exercised quite an influence on this group. Thus, despite

the fact that the religion of the Aws and Khazraj was different from that of the Jews, nevertheless, they allowed themselves to be influenced by Jewish ideas. As a result, they would sometimes send their children to the Jews to receive education, and while they were among the Jews, the children would once in a while renounce their pagan religion of polytheism and convert to Judaism. Thus, when the Holy Prophet entered Medina, a group of these boys from that city were being trained by the Jews and had chosen for themselves the Jewish religion, which some of them chose not to renounce The parents of these children embraced Islam, yet the children did not give up their new religion, Judaism. And when it was settled that the Jews should leave Medina (as a punishment for the chaos they had instigated), those children also left with their fellow Jews. Their fathers came to the Holy Prophet asking him for permission for them to separate their children from the Jews,

to force them to relinquish Judaism and to become Muslims; permission which the Holy Prophet did not give. They siad: *"O Prophet! Allow us to force them to leave their religion and embarce Islam."* The Holy Prophet told them: "No. Now that they have chosen to go with the Jews, let them go with them." And the commentators say that it was then that the verse: *"There is no compulsion in religion, for the truth has been made manifest from the false."*(2:256) was revealed.

Another famous verse is:

﴿أُدْعُ إِلىٰ سَبيلِ رَبِّكَ بِالْحِكْمَةِ وَالمَوْعِظَةِ الحَسَنَةِ وَجادِلْهُم بِالَّتي هِيَ أَحْسَنُ.﴾ (النحل: ١٢٥)

"And call to the way of your Lord (Rabb) with the judgment and beautiful admonitions, and dispute with them with that which is beautiful..." (16:125)

Invite people to the path of your Lord. How? With force of sword? No. With beautiful admonitions and advice.

﴿وَجَادِلْهُمْ بِالَّتِي هِيَ أَحْسَنُ﴾ (النحل: ١٢٥)

"And dispute with them with that which is beautiful..."

With those who dispute with us, we must also dispute beautifully. This verse has inroduced clearly the way for Islam to impart its message to people.

In another verse we are told:

﴿وَقُلِ الحَقُّ مِنْ رَبِّكُمْ فَمَنْ شاء فَلْيُؤْمِنْ وَمَنْ شَاءَ فَلْيَكْفُرْ﴾

(الكهف: ١٨:٢٩)

"And say: The truth is from your Lord, so let him who please believe, and let him who please disbelieve,..." (18:29). Whoever wants to believe will believe, and whoever wants to reject, he will reject. So this verse has also stated that faith and rejection, *iman* and *kufr,* can only be chosen by oneself, they cannot be forced upon one by others. So Islam does not say that others must be forced into Islam. If they do not, they are not to be killed, the choice

is theirs. Islam says that whoever wants to believe, will believe, and whoever does not want to, will not. There is also this verse:

﴿وَلَو شاءَ رَبُّكَ لآمَنَ مَنْ فِي الأَرضِ كُلُّهُمْ جَمِيْعاً أَفَأَنْتَ تُكرِهُ النّاسَ حَتَّىٰ يَكُونُوا مُؤمِنِيْنَ﴾ (يونس: ٩٩)

"And if your Lord had pleased, surely all those who are in earth would have believed, all of them; will you force men till they become believers?" (10:99) The verse is addressed to the Prophet. The Holy Prophet really loved the people and wanted them to be true believers. The Quran says that the use of force in the matter of belief is irrelavant. If force was valid, God Himself, with His own Power of creation would have made people believers. God with all His Power of creation and compulsion has not forced mankind to be true believers and has given them the free will to choose. The Prophet also was to let them choose for themselves. He whose heart has the desire will become a good believer, and he

whose heart does not want to, will not.

Another verse addressed to the Prophet says:

﴿لَعَلَّكَ باخعٌ نَفْسَكَ ألاّ يَكُونُوا مُؤمِنِينَ﴾ (الشعراء: ٣)

"Seemingly you will grieve yourself to death that they do not become good believers." (26:3)

﴿إن نَشَأْ نُنَزِّلْ عَلَيْهِمْ مِنَ السَّماءِ آيَةً فَظَلَّتْ أَعْنَاقُهُمْ لَهَا خاضِعيْنَ﴾ (الشعراء: ٤)

O Prophet! it is as if you intend to kill yourself because they have not believed, as if you want to destroy yourself. Do not be so full of grief for their sake. We, with Our Power of Creation and Might, if We wanted to force the people to believe, We could easily have done so. If we willed it, We could send down the sky a sign to overshadow their neck, for them to be submissive. Here God says that if He wanted to send down from the sky a sign, an affliction, and tell the people that they must either become true believers or be destroyed by that affliction, all the people under compulsion

would become believers, but He does not do so because He wants the people to choose for themselves.

These verses further clarify the idea of jihad in Islam and make clear that jihad in Islam is not what some self-interested parties have said. These verses clarify that Islam's aim is not compulsion; that it does not command Muslims to raise the sword over the head of whoever is not a Muslim and offer the simple choice of Islam or death.

Peace and Compromise

There is another group of verses occurring in Quran which are also related to our discussion. On the whole, Islam gives much importance to the issue of peace. In one verse, it is explicitly defined:

"Was-solho Khayro" (Peace is better) (4:128)

Of course peace is not the same as violence, misery and submission to an oppressor. In another verse we are told:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا ادْخُلُوا فِي السِّلْمِ كَافَّةً﴾ (البقرة: ٢٠٨)

"O you who have found faith, enter peace wholly." (2:208) But more illuminating sitll is this one:

﴿وَإِنْ جَنَحُوا لِلسَّلْمِ فَاجْنَحْ لَهَا وَتَوَكَّلْ عَلَى اللهِ﴾ (الانفال: ٦١)

"And if they incline to peace, then you incline to it, and trust in God." (8:61) Here the Prophet is told that if the opponents advocate peace, if they make sincere efforts for peace, he too should make peace. If they sincerely desire peace, he too is to desire peace. These verses clearly show that the essence of Islam is that of peace.

In another verse which is in Surah Nisa, the Prophet is also told:

﴿فَإِنِ اعْتَزَلُوكُمْ فَلَمْ يُقَاتِلُوكُمْ وَأَلْقَوْا إِلَيْكُمُ السَّلَمَ فَمَا جَعَلَ اللهُ لَكُمْ عَلَيْهِمْ سَبِيلاً﴾ (النساء: ٩٠)

"So if they withdraw from you, have not fought with you, and have put forward peace to you, then God has not placed a path for you against

them." (4:90) O Prophet, if they have withdrawn from war, and they are ready to make peace with you, then God does not give you permission to advance any further and fight them.

In the same surah, it is further stated about the hypocrites:

﴿فَإِنْ تَوَلَّوا فَخُذُوْهُمْ واقْتُلُوْهُمْ حَيْثُ وَجَدْتُمُوْهُمْ وَلا تَتَّخِذُوْا مِنْهُمْ وَلِيّاً وَلا نَصيراً. إلاّ الّذيْنَ يَصِلُوْنَ إلىٰ قَومٍ بَيْنَكُم وَبَيْنَهُم مِيثاقٌ أَو جاؤوكُمْ حَصِرَتْ صُدُوْرُهُمْ أَنْ يُقاتِلُوْكُمْ أَوْ يُقاتِلُوْا قَوْمَهُمْ﴾ (النّساء: ٨٩ـ ٩٠)

"And if, they flee, then seize them and slay them wherever you find them, and take them not as your dear ones, nor as helpers. Except those who connect themselves to a people between whom and you there is a bond, or who come to you with their hearts hindered from fighting with you or from fighting their people." (4:89-90) If the hypocrites who are fighting us run away, they are to be taken and

killed wherever they are, they are not to be taken as friends; we are not to accept help from them, except from those who have a treaty with people with whom we have a treaty, and who are ready to come to an agreement with us. These we are not to kill and with those who are tired of fighting, we are also not to fight.

Thus we have looked at four series of verses. One series consisted of those verses that tell us unconditionally to fight, so if we had ears and heard only these and not the others, it would be possible for us to think that Islam is a religion of war. The second series consist of verses that give the order to fight but with certain conditions; conditions such as the opposing side being in a state of war with us, or a mass of Muslims or non-Muslims having been placed under the heels of a group from amongst themselves which has trampled on their freedom and rights. The third series of verses make it perfectly clear to us that the call of Islam is not sounded with any force of arms.

And in the fourth group Islam decisively announces its love of peace.

Chapter III

Defense - the Essence of Jihad

It is necessary here to elaborate on the nature of jihad.There is complete agreement among the researchers that the essence of jihad is defense. Islam never allows Muslims to exploit material and human resources of others for the sake of those resources. Islam considers this kind of fighting as an oppression. Jihad is only for the sake of defense, and in truth, it is resistance against transgression, and can certainly be lawful. Of course, there is also the third possibility that one may fight not for the sake of aggression, nor in defense of oneself, but for the expansion of a human value. This will be discussed later. In the basic definition

of jihad, there is no difference of opinion and all the researchers are agreed that jihad must be for the sake of defense. The differences of opinion that do exist are minor ones, and they concern the question of the phenomenon that has to be defended.

Types of Defense

The opinions of some of the scholars on jihad is limited to self-defense, i.e, war is lawful for an individual, a tribe or a nation only when it is in defense of itself and its life. According to this view, if the lives of people are exposed to danger from another region, then fighting in defense of their lives is lawful for that people. In the same way, if their property is subject to aggression, then from the point of view of human rights, they have the right to defend that property which is their right. Likewise, if a people is faced with the aggression of another nation that wants to take possession of its wealth and perhaps carry it

away, then that people has the right to defend its wealth, even by force.

﴿أَلْمَقْتُولُ دُوْنَ أَهْلِهِ وَعِيالِهِ شَهِيدٌ﴾

Islam tells us that whoever is killed for his property or chastity is a martyr. So, in Islam, defending one's chastity is like defending one's life and property. In fact it is superior. It is the defense of one's honor. For a nation, to defend its independence, is undeniably lawful. So when a group wants to take away the independence of a nation and place that nation under its own mandate, if the people of that nation decide to defend themselves and pick up the gun, this action is lawful, laudable and worthy of admiration. So, defense of life, defense of wealth, property and lands, defense of independence, and defense of chastity, are lawful defenses. No one doubts the fact that in these cases, defense is permissible. As we have already said, the view that some Christians put forth about religion having to advocate peace

and not war, and that war is absolutely bad and peace is absolutely good, has no logical or reasonable basis to support. Not only is fighting for the sake of defense not wrong, but it is extremely right in this case to fight and one of the necessities of human life. This is what is meant in the Holy Quran when we are told:

﴿وَلَولا دَفْعُ اللهِ النّاسَ بَعْضَهُمْ بِبَعْضٍ لَفَسَدَتِ الأَرْضُ﴾ (البقرة: ٢٥١)

"If God did not prevent mankind, some with others, the earth would become full of corruption." (2:251)

﴿وَلَوْ لا دَفْعُ اللهِ النّاسَ بَعْضَهُمْ بِبَعْضٍ لَهُدِّمَتْ صَوامِعُ وَبِيَعٌ وَصَلَواتٌ وَمَساجِدُ يُذْكَرُ فيها اسْمُ اللهِ﴾ (الحج: ٤٠)

"If God did not prevent people, some with some (others), then cloisters, churches, synagogues, and mosques in which the Name of God is oft brought to mind, would have been destroyed."

Human Rights

There exists the question, however, of whether the things we are allowed to defend are only these,i.e. individual, group and national rights, or whether it is legitimate for us to defend other things as well. Do there exist things, the defense of which is necessary and obligatory, that do not pertain merely to the rights of the individual, tribe or nation, but pertain to the rights of humanity as a whole? If somewhere a right of humanity is somehow encroached upon, is it legitimate to fight it? Is war fought for the sake of humanity lawful?

Perhaps someone will ask: *"What does fighting for the sake of humanity mean?" "I do not have to fight for any rights except my own personal rights, or, at the most, the rights of my nation." "What do I have to do with the rights of humanity?"* This mode of thinking, however, is in no way valid.

There exists certain things that are superior to the rights of the individual or nation. Certain

things more holy, more sacred, the defense of which in accordance to the human conscience is higher than the defense of individual rights. And these are the sacred values of humanity. In other words, the sacredness of fighting in defense lies not in defending oneself, but in defending *"the right"*. When the cause and criteria is *"the right"*, what difference does it make whether it is an individual right or a general right of humanity? In fact, defense of the rights of humanity is holier, and although no one says so, it is freely admitted in actions.

For example, freedom is one of the sacred values of humanity. Freedom is not limited to an individual or a nation. Now, if it is not our freedom and not the freedom of our country, but freedom in another corner of the world which is being infringed upon, is the defense of that right of humanity, simply for the sake of defending a human right, lawful for us? If it is lawful, then defense is not limited to the actual individual whose freedom is in danger, but it is

lawful, even obligatory, for other individuals and other nations to rush to the aid of freedom, and fight against the negator of feedom. I do not think anyone has any doubt that the holiest form of jihad and the holiest form of war is the one which is fought in defense of humanity and human rights.

When the Algerians were at war with the French colonialists, a group of Europeans helped them in the war either through participation in the battlefield or other fronts. Do you think that only the fighting of the Algerians was lawful because their rights were transgressed? what about the people who came from the farthest corners of Europe to take part in the battle to help the Algerian nation? should we tell them:

"Stop your interference. What business is it of yours? No one has trasgressed your rights, why are you fighting here?" Or is it that the jihad of such people was holier than the jihad of the Algerians, because the Algerians were

defending the cause of their own rights, while the cause of the others was more ethical and more sacred than that of the Algerians. Obviously what holds valid is the second assumption.

Freedom lovers have earned general respect due to their having presented themselves as defenders of human rights, not the defenders of their own individual rights or the rights of their own nation or even their own continent. If they were ever to go beyond the use of the tongue, the pen, letters and lectures, and actually go to the battlefield and fight, for the Palestinians for example, or the Viet-Cong, then the world would consider them to be even holier.

The world considers war, whenever it is for the sake of defense to be holy. If it is self-defense it is holy. If it is for the defense of one's nation, it is holier for the cause has grown from a personal one to a national one, and the individual is not simply defending himself but is also defending other individuals

that make up his society. And if the defense shifts from a national to a humanitarian cause, it again becomes holier.

The Minor Dispute

Here then is the nature of the dispute about jihad; not a major dispute but a minor one. The dispute is not about whether jihad is only lawful in defense, the dispute is over the definition of defense. This minor dispute is about whether the meaning of defense is limited to self-defense, at most the defense of one's natioin, or whether the defense of humanity also comes into this category?

Some say, and they are right, that the defense of humanity is also a legitimate defense. Hence the cause of those who rise to "command good and prohibit evil" is a holy one. It is possible that someone is not himself transgressed, he may even be highly respected and all the facilities of life may be available to him and the same may apply to the material

rights of his nation. But, from the point of view of human ideals, a basic human right is being transgressed. Meaning that, within his society, although neither the material rights of that society nor his own individual rights have been transgressed, yet there exists a task awaiting to be performed in the best interest of humanity. Namely, when good and evil exist in society, the former must be enjoined, and become the order while the latter must be uprooted. Now, under these conditions, if such a person sees that the good, the recognized, the accepted, has been relegated to the place of the bad, the rejected, and that the rejected has taken the place of the recognized, and he stands up for the sake of commanding what is recognized and prohibiting what is rejected, then waht is he defending? His own personal rights? No. Is it the material rights of his society? Again no. His defense is not related to material rights. What he is defending is a spiritual right that belongs to no single person or nation; a

spiritual right related to all the word's human beings. Are we to condemn the jihad of that man, or are we to consider it sacred? Obviously we are to consider it sacred, for it is in the defense of a right of humanity.

On the question of freedom, you see today that the very people who are combating freedom, in order to give themselves an air of respectability, claim to be the defenders of freedom, for they know that defense of freedom is tacitly understood as being sacred. If they were really fighting for the defense of freedom, this would be valid, but they are giving the name of defense of freedom to their own transgression. However, their act is an acknowledgement of the fact that the rights of humanity are worthy of defense, and that war for the sake of those rights is legitimate and beneficial.

Tawhid (Monotheism): A Personal Right or a General Right?

Now an important matter must be looked at which is about *"Tawhid", "La illaha illallah." "There is no god but God(Allah)".* Does Tawhid pertain to the rights of humanity, or to the rights of the individual? Here, it is possible to say that Tawhid does not pertain to rights of humanity but pertains only to the affairs of the individual, or at most, to the internal affairs of a nation. That he himself can be `muwahid' (monotheist), he has the choice of being `muwahid' if he wants to be, or a mushrik (polytheist), if he wants to be, and now that he has become muwahid, no one has the right to trouble him; it is his personal rights, and, if someone else becomes a mushrik, then that is the right of that person. Any single nation in its laws can choose one of the following three positions: choosing Tawhid and adopting it as the official religion and officially rejecting any

other religion; accepting polytheism as the official religion; or allowing freedom of worship. One can choose whatever religion or creed one desires. If Tawhid is embodied in the law of a nation, then it is one of the rights of that nation and if not, no. This is one way of looking at things. There is another view, however, which regards Tawhid as being like freedom and pertaining to the rights of humanity. When discussing freedom, we said that the meaning of the right to freedom does not simply refer to the freedom of a individual and that it should not be thereatened from any quarter, for, it is possible that it is threatened by the very individual. So if a nation fights for Tawhid to combat polytheism, its fight is motivated by defense, not by subjugation, tyranny and transgression. This, then, is the nature of the minor difference in question. Even amongst the learned of Islam there are two views. According to some of them, Tawhid pertains to the general rights of

humanity, so that fighting for the sake of Tawhid is lawful, for, it is the defense of a human right and is like fighting for another nation's freedom. Another group, however, argue that Tawhid pertains to individual rights and perhaps to national rights, but has nothing to do with the rights of humanity, and accordingly, no one has the right to trouble anyone else for the sake of Tawhid. Which of the two views is correct?

I intend to state my own view on this subject. But before doing so, I would like to speak about the issue, and perhaps on reaching a conclusion, the two issues will be seen as a single one. The point is that some affairs may be accepted under duress, i.e, accepted under compulsion, whereas some others, as per their nature, must be freely selected.

Imagine one, for example, becoming dangerously infected with a disease and having to accept taking an injection. In such a case, the one in concern can be forced to take the

injection; if that person refuses it, his hands and feet can be forcefully tied; and if he continues to resist, the injection can be administered while he is unconscious. This is something which can be accepted under duress. The acceptance of other things, however, cannot be forced through compulsion, for, other than by free choice, there is no way thay can be accepted. Among such things we find the self-purification, for example, and the refinement of one's behaviour. If we want to refine people so that they come to recognize and accept virtues as virtues and evils as evils and refrain from faulty human behaviour so that they eventually reject falsehood and embrace the truth, we cannot do so by force.

It may be possible to prevent someone from stealing through punishment, but it is not effective in bringing up an honest individual out of someone. For, if such things were possible, then, for example, if the self of a person were in need of purification and his

personal behaviour sadly lacking in good morals and ethics, a hundred lashes meted to him would make of that person somebody with good morals and ethics. Instead of a good education, the teachers would simply use the whip and say: *"So that this person throughout his life, always tell the truth and find lies repulsive, he is to be given a hundred lashes, and thereafter he will never tell a lie."* The same thing applies to love. Can one force a person to love another by the whip? Love and affection cannot be forced upon somone. No forces in the world, even if taken together can force love upon somebody nor can they take away his love for somebody.

Having made clear this point, I wish to say that faith, regardless of whether it is a basic right of humanity or not, is, by its very nature, not something that can be imposed by force. If we want to create faith, we should know that it is not possible to create it by force. Faith means belief and inclination. Faith means being

attracted to, and, accepting a set of beliefs. Attraction to a belief has two conditions. One condition is that the matter must accord with the reason, this is the scientific aspect of the faith. The other is the emotional aspect,i.e, the human heart should be attracted to faith. Neither feeling nor reason comes within the realm of force. Not the first condition, because thinking is subject to logic -- if it is desired that a child be taught the solution of a mathematical problem, he must be taught in a logical way so that the finds credence in it. He cannot be taught by the whip. His intellect will not accept a matter through force, and beating. The same applies to the second condition, the emotional quality, that stimulates inclination, attraction and sentiment.

According to this, there is a huge difference between Tawhid as a right of humanity and other human rights such as freedom. Freedom is something that can be imposed on a people by force, because transgression and oppression

can be prevented by force. But living freely and the freedom-loving spirit cannot be imposed by force. It is not possible to force a person to accept a belief or to forcibly create faith in a certain thing in his heart. This is the meaning of *"La ikraha fid-din, qatabayya-rnar-rushdo minal ghayy"*: there is no compulsion in religion. When the Quran says that there is no compulsion in religion, it does not mean that, though it is possible for religion to be imposed by force, we must not impose it and must leave people to adopt any religion they want. No. What the Quran is saying is that religion cannot be imposed. If it is imposed under compulsion it is not religion.

To the Bedouin Arabs, who had accepted Islam without having perceived the nature of its essence and without Islam having influenced their hearts, who were claiming to have *"faith"*, the Quran gave this reply:

﴿قالَتِ الأَعْرابُ آمَنَّا قُلْ لَمْ تُؤمِنُوا وَلٰكِنْ قُولُوْا أَسْلَمْنا وَلَمّا يَدْخُلِ الإيمانُ في قُلُوْبِكُمْ﴾ (الحجرات: ١٤)

"The Arabs say `we have faith,' tell them: `you do not yet have faith, say "we have accepted Islam" for faith has not yet entered your hearts." (49:14) In Quranic terms *"the Arabs"* refers to the desert nomads. The nomads came to the Holy Prophet Muhammad (May God bless him and his Household) claiming to have faith. The Holy Prophet was instructed to tell them that they did not have true belief, and that only they had said they had become Muslims, i.e, had made the verbal declaration, entitling them to be superficially rated as Muslims, had recited *"la illaha illallah, Muhammadan rasuluallah"*, availing themselves of the same rights that belong to a Muslim. The Prophet was to tell them, however, faith had not yet entered their hearts.

﴿وَلَمّا يَدْخُلِ الإيْمَانُ فِي قُلُوْبِكُمْ﴾ (الحجرات: ١٤)

﴿وَلَمَّا يَدْخُلِ الإِيْمَانُ فِي قُلُوْبِكُمْ﴾ (الحجرات: ١٤)

"...for faith has not yer entered your hearts." This tells us that faith is related to the heart.

Another factor that supports our claim is that Islam does not permit taqleed (imitation) in the fundamental principles of religion and counts independent research in this regard as essential. The fundamantal principles of religion are of course related to belief and faith. So it becomes clear that, in Islam, faith is a product of free thought. The faith and belief which Islam calls for cannot be acquired through `taqleed' (imitation), force and compulsion.

Now we realize the two views of the Islamic researchers to be quite close. One group argues that Tawhid pertains to the universal rights of humanity and because it is undeniably legitimate to defend the rights of humanity, so it is legitimate to defend Tawhid and fight against others for its sake. The other group

claims that there is absolutely no legitimate way, to fight for the sake of Tawhid, and, if a nation is polytheistic, we are not permitted to fight it on that account. Now, the proximity of both views lies in the fact that, even if we consider Tawhid to be a human right, still we cannot fight another nation to impose the belief in Tawhid upon them, for as we have seen, by the very nature of its essence, Tawhid is not something that can be imposed. There is another viewpoint also, namely, if we consider Tawhid as a right of humanity and if we see that it is in the best interests of humanity and if Tawhid demands, then we are allowed to fight a nation of polytheists. But our war should not aim at imposing Tawhid and faith upon it for we know that Tawhid and faith cannot be imposed.

We can, however, fight the polytheists in order to uproot evil from that society, but we are not allowed to impose the belief of Tawhid on them.

According to those who consider Tawhid to be pertaining to the rights of the individual or at most to the rights of a nation, it is not permissible to wage a war for uprooting polytheism. The predominant line of thought in the West, which has also penetrated the ranks of Muslims, is exactly this.

Such issues as Tawhid are regarded by the Europeans as personal issues and not at all important to life; they are more or less considered as customs which every nation has the right to choose. Therefore, even for the sake of uprooting evil, no one has the right to combat polytheism, because polytheism is not iniquity, and Tawhid is a purely personal issue.

If, on the other hand, we consider Tawhid to be a universal issue, one pertaining to the rights of humanity and humanity's general welfare and prosperity, then it is permissible to wage a war on the polytheists for the defense of Tawhid and in order to uproot corruption. However, war for the sake of imposing Tawhid

is not permissible.

There is another issue that should be explained, i.e, fighting for the freedom of the "call". We must have the freedom to impart the message of a certain faith and belief to any nation. If we consider freedom to be a universal human right, or Tawhid to be so, or both of them to be universal human rights, waging war for freedom of call is definitely lawful. Now, if a barrier arises against our call, like some power, say, presenting itself as an obstacle, denying us permission, saying that the call will impair the mind of its nation -- and we know that most governments consider as impairing all thinking which may encourage the people to revolt against them -- and sets itself up as a barrier to the call of truth, is it permissible to fight against it until it falls and the barrier against the call broken down?

Yes, this is also permissible. This would be for the cause of defense. This would be one of those jihads, the actual nature of which is

defensive.

Criteria for Evaluating Individual and Universal Rights

So far we have seen that the essence of jihad is defense. Now we have to see whether Tawhid pertains to the universal rights of humanity, or to the personal rights of an individual, or at the most, to the rights of a nation. What we have to do is look at the criteria for personal rights, universal rights of humanity. In some aspects all human beings are the same, while in some other, they are different. Human beings differ in so many ways that even two persons cannot be found who, in every detail, are exactly the same. Two individuals having the same physical characteristics do not exist. It is also true that no two persons do have the same spiritual characteristics. (Universal rights are related) to the common demands and needs of all human beings. Freedom means the absence of

obstacles to the flowering of the natural potentials of the individual, and it relates to all of humanity. Freedom for me has exactly the same value as it has for you. It has the same value for you as it has for others. Between you and I, however, there exist many differences, and these pertain to the "personality", because they are personal differences. As color and physique differ in human beings, their personalities also differ. I may like clothes of a certain color, while you like those of a different color. I may like to live in one town, while you prefer another one. I may arrange and decorate my home in one way, while you choose a different way. I may select one subject for study, while you select another. These are all personal tastes, for which, no one can be bothered. Thus no one has the right to compel someone to marry a particular person, for marriage is a personal issue and in choosing a marriage partner, everyone has his own taste. Islam says that no one must be compelled in

choosing his or her partner because this choice is one's personal right. The Europeans who say that no one must be bothered for the sake of Tawhid or faith, say so because they think that these two concepts are amongst the personal concerns of an individual. To them, religion is something which brings entertainment to all human beings.

In their view, it is like art: one person likes Hafiz, another likes Sa'adi, another likes Maulavi, another likes Khayam, another Ferdowsi. No one must bother the one who likes Sa'adi, saying: *"Why do you like Sa'adi? I like Hafiz. You also have to like Hafiz."* To them religion is confined to this limit. One person chooses Islam, while another chooses Christianity, another chooses Zoroastrianism, while yet another, is least bothered about all of them. No one must be troubled. Religion in the view of these Europeans is not related to the core of life, to the path of human life. This is their basic assumption, and between their line

of thought and ours, there exist lots of differences. To us, religion means the "straight path" of humanity and being indifferent to religion means being indifferent to the straight path, to the real path of progress of humanity. We say that Tawhid is the pillar of well-being, prosperity and happiness of mankind. It is not merely the personal concern of the individual or the sole concern of this or that group. Accordingly, the truth lies with those who believe that Tawhid pertains to the rights of humanity. If, at the same time, we say that war for imposing Tawhid is not permissible, it is not because Tawhid pertains to those affairs which must not be defended and not to humanity's universal rights, but because the very nature of Tawhid does not allow it to be imposed, as the Quran confirms: "There is no compulsion in religion."

Freedom of Thought or Freedom of Belief?

Another point which should be stressed here is that there is a difference between "freedom of thought" and "freedom of belief." Human beings are endowed with the faculty of thought which enables them to make decisions on the basis of thought, logic and reason. But belief entails a strong tie to the object of belief. Numerous are the beliefs that are not based on thought, but are sheer imitation, a result of upbringing and habits, and which even molest human freedom. We say mankind must have freedom of thought. Yet there are some beliefs which are not in the least rooted in thought; they have their roots in the mere dormancy and stagnation of the spirit, handed down from generation to generation; they are themselves a kind of bondage. Hence any war fought for the sake of eliminating such beliefs is war fought for the freedom of humanity, not war fought against it. If a man prays for his needs to a self-made idol, then, in the words of the

Quran, that man is lower than an animal. This means that the act of this man is not based at all on thought. A little bit of thinking would not allow him to engage in such an act. His acts are merely a reflection of the stagnation and dormancy which have appeared in his heart and in his soul, and which are rooted in blind imitation. This person must be forcibly freed from the internal chains which shackle him, to enable him to think. So, those who describe the freedom of imitation and superfical freedoms which in fact enchain the souls as the freedom of belief are mistaken. What we advocate, in accordance to the verse: *"la ikraha fid-din"*, is the freedom of thought.

Chapter IV

The Question of Abrogation

Abrogation

Our discussions have been about the Islamic jihad. There are three issues that I wish to speak about in this chpater: One has a Quranic basis, the other, reason as a basis, and the third, has both a Quranic basis and a historical one.

The issue that has the Quranic basis is in connection with the Quranic verses about jihad. We had already said that some of the verses about jihad are absolute, while others are conditional. Absolute verses recommend fighting the polytheists or the People of the

Book without any conditions. The conditional verses have given the command accompanied by special conditions. For example, it has been stated that we must fight them if they fight us, or if they are in a state of war with us, or if we have reason to fear an imminent attack by them. According the Muslim scholars the conditional verses are explanations of the absolute ones. So, we must find out the meaning of jihad from what is explained by the conditional verses, which means that the Quranic verses do not recognize an unconditional jihad as being obligatory.

Yet, some commentators have brought up the issue of abrogation. They agree that many verses of the Quran set conditions for fighting against the non-Muslims, but they say that other verses have been revealed that abrogate all those instructions and conditions. Thus, we come to the issue of abrogations:

Some verses abrogate others. Some scholars believe that the first verse of the Tawhid

chpater of Quran abrogates all previous verses on jihad. In this verse, we come across a general command for jihad, a deliverance from polytheists, fixing a period for them to stay in Mecca after which they are not allowed to stay and should be surrounded and killed. This verse was revealed in 9 Hijra. Can this verse abrogate all the previous ones? No. It cannot abrogate previous verses for two reasons. First we can only consider a verse to have abrogated another when it is contradicting it. Imagine a verse being revealed commading not to fight the polytheists at all followed by another allowing for fight. This would mean that God has cancelled the previous instruction. This is the meaning of abrogation: the first instruction is annulled and replaced by another. So the second instruction must be such that it is fully incompatible with the first one. However, if collectively, the contents of the first verse and the second one are compatible, so that one clarifies the other, then there is no further

question of one being an abrogator and the other being abrogated.

The verses of Surah Tawba are not such that they can be said to have been revealed so as to nullify the previously revealed ones which attached conditions to jihad. Why not? Because, when we consider all the verses of Surah Tawba collectively, we see that they tell us to fight the polytheists because they do not observe one of the essential principles of humanity -- keeping one's promises -- which one and all know must be kept, even if the law of one's particular nation does not stress this duty or heed it at all. Thus the verses tell us to fight, because if we conclude an agreement with them, whenever they see the opportunity to violate it, they would do so and strive to destroy and annihilate us. Here, what does reason tell us? If we know for sure that a nation intends to destroy us on the first opportunity, does reason tell us to wait for them to do so before we do anything about it? If we wait,

they will destroy us. In today's world, we may see a nation attacking another because of clear evidence that the other nation has made the decision to attack the former, and when that nation attacks, the whole world will say that it permissible. No one would say that although they knew and had clear evidence that, for example, the enemy had the intention of attacking on a certain day, yet they had no right to attack the enemy today, that they should have waited with folded arms for the enemy to attack and only then.

The Quran in those same verses of Surah Baraat, the most strict verses of the Quran, tells us:

﴿كَيْفَ وَإِنْ يَظْهَرُوْا عَلَيْكُمْ لاَيَرْقُبُوْا فِيْكُمْ إِلّاً وَلاَ ذِمَّةً يُرْضُونَكُمْ بِأفْواهِهِمْ وَ تَأْبىٰ قُلُوبُهُمْ﴾ (التوبة: ٨)

"What! And if they prevail over you, not observing any relationship with you, nor treaty. They mollify you with their mouths while their hearts are adverse to you." (9:8) It tells us

that, if they find the opportunity, they observe no promise or treaty, and whatever they say is limited to words, while their hearts are in opposition. So these verses are not so unconditional as has been thought. What they actually say is that, on sensing danger from the enemy, for us to fold our arms and delay would be a mistake. Thus we must not think that these verses are completely out of accord with other verses, Hence they should not be considered as abrogators. This is the first reason why these verses are not abrogative.

No Generality without an Exception

The second reason given by the ulema is related to the expression:

«ما مِنْ عامٍّ إلّا وَقَدْ خُصَّ»

"There is no generality without an exception." And this is absolutely right. We are told to fast, but not when we are ruled as travelling, or too sick. Even this very rule has

exceptions. There are some generalities that really have no exceptions and admit none.

Some issues refuse to be abrogated, refuse all exceptions. The tone of these generalities is that they can admit no exceptions. For example, in the Quran we are told:

﴿وَإِنْ تَشْكُرُوا يَرْضَهُ لَكُمْ﴾ (الزمر: ٧)

"If you are thankful, God is pleased with it," (39:7) and to this there can never be any exception. It is not possible that there will come a time when a person will be sincerely grateful to God, and God will not be pleased with him.

Similarly concerning abrogation, some verses are such that fundamentally abrogation is not applicable to them because the meaning of abrogation is that the abrogated order was a temporary order. This means that certain things do not admit being temporary.

For example, let's take the verse of the Quran which tells us:

﴿ولا تَعْتَدُوا إِنَّ اللهَ لا يُحِبُّ المُعْتَدِينَ﴾ (البقرة: ١٩٠)

"And do not trangress, God loves not the transgressors." (2:190) This has a generality in regard to individuals and a continuity in regard to time. Is it possible for us to maintain exceptions to this generality? Can we say that God does not like oppressors with the the exception of a few? The holiness of divinity on the one hand and the filth of injustice and oppression on the other cannot go together. We cannot say that God does not love transgressors with the exception of so and so. This is a generality that admits not exception. This is not like fasting where we say that we must fast unless we are in such and such a condition. As regards fasting it is possible that in a certain state, a person must not fast, but we cannot say that in one instance we must be unjust and in another we must not. Wherever there is injustice and oppression, it is wrong and is a crime, irrespective of who has committed it. Even if it were the prophets of God who

committed it, still it would be blameworthy, and reagrded as sin and disobedience. God does not love anyone who is disobedient. Even if the prophets, (may God spare me for the thought) committed sins, they would not be loved by God. The difference between a prophet and others is not that he commits sins and God loves him nevertheless; but that he never commits any sin while others do. This, is a generality which admits no exceptions. Concerning the time factor also, the same thing is applicable. Can it be said that a certain fact pertains to a certain time? That God loves transgressors for a while, but then changes His mind, cancels His original position, and says that thereafter, He loves transgressors? No, this admits no abrogation.

In one of the verses about jihad the Quran says:

﴿وَقاتِلُوا فِي سَبيلِ اللهِ الَّذينَ يُقاتِلُونَكُمْ وَلا تَعْتَدُوْا إنَّ اللهَ لايُحِبُّ المُعْتَدِينَ﴾. (البقرة: ١٩٠)

"And fight in the way of God with those who are fighting with you and do not transgress, God loves not those who transgress." (2:190) With those who fight us, with those who have commenced some type of aggression against us, we are to fight. But we are not ourselves to be aggressors. Fighting against aggression is not aggression. But fighting against other than aggression is aggression and not lawful. We are to fight against aggression so as to eliminate aggression; but if we fight against other than aggression then we ourselves become aggressors. This is not something that admits abrogation. It is possible, for example, that permission for jihad and self-defense be withheld for a while in our own best interests, for us to endure and persevere for a while and then, later, the call for jihad is given, meaning that the command to be patient is cancelled

because it was only for a limited period. The cancellation of this command is because from the very beginning it was meant to be a temporary one.

Defense of Humane Values

The Quran limits jihad strictly to a type of defense and only permits it in the face of aggression. But in the previous chapter, we said that jihad for the expansion of human values, even if it is not against an aggression, cannot be condemned. We also said that the meaning of aggression is a general one, meaning that it is not necessary for aggression to be against life, against property, against chastity, against land, against independence and against freedom. If a group transgresses against values that are counted as human values, then this is aggression.

I wish to cite a simple example. In our age, huge efforts are being directed at uprooting various diseases. So far the primary causes of

some diseases like cancer have not been discovered, and their cure is likewise still not known. But at present, there are medicines which can temporarily delay the effect of these disease. Supposing that some institution discovers the cure to one of these diseases, and that other institutions which profit from the very presence of that disease, those factories which manufacture the medicines that can be used to postpone the effects of that disease, in order to prevent their market from collapsing -- in which case millions, billions of dollars would be lost--destroy that newly discovered cure which is very benefical; destroy those who are connected with it; destroy the newly discovered formula so that no one would know about it. Now, is such a human value to be defended or not? Can we say that no one has attacked our lives or our property, no one has interfered with our chastity, our independence or our territory, but that in one of the corners of the world, somebody has made a discovery

and someone else is trying to destroy it, and ask, what has it got to do with us? No. This is not the place for such a question. Here a human value is being threatened. Are we to be called aggressors if we take the stance of resistance and war? No, we have risen to oppose aggression, and to fight aggressors.

So, when we say that the basis of jihad is defense, we do not mean defense in the limited sense of having to defend oneself when one is attacked with the sword, gun or artillery shell. No, we mean that if one's being, one's material or spiritual values are aggressed or in fact, if something that mankind values and respects and which is necessary for mankind's prosperity and happiness, is aggressed, then we are to defend it.

Here, we come again to our previous discussion about whether Tawhid is a personal issue or it is one of the values of humanity. If it is the latter that must be defended, if amongst a set of laws there is one which dictates that

Tawhid must be defended on the principle of it being a basic human value (as in Islam, for example), this does not mean that aggression is considered lawful. It means that Tawhid is a spiritual value and the meaning of defense is so wide that it includes the defense of spiritual values.

Nevertheless, I will again repeat that Islam does not say we must fight to impose Tawhid, for Tawhid is something that cannot be imposed because it is faith. Faith is built on discernment and choice, and discernment is not influenced by force. The same applies to choice. *"La ikraha fid-din"* means that we must not compel anyone, for faith is not something that can be forced upon someone. However, *"la ikraha fid-din"*, does not imply that we are not to defend the rights of Tawhid. It does not mean that, if we see *"lailaha illa Allah," "No god but Allah"* being threatened from some direction, we are not to defend it.

Freedom of Belief, Thought

There is no doubt that religion must not be imposed on the individual. People must also be free in their choice of religion. In other words, freedom of thought and choice is defferent from freedom of belief. Many beliefs have been discerned and found to be true and have been freely chosen. The attachment and commitment of an individual's heart to his beliefs in many cases is built on discernment and selection. But are all human beliefs built on thought, discernment and and selection? Or are the majority of mankind's beliefs no more than attachments and commitments of the human soul to sentimental issues? An example the Quran cites on the subject of imitation by one generation of the previous generation is:

﴿إِنَّا وَجَدْنَا آبَاءَنَا عَلَىٰ أُمَّةٍ وَإِنَّا عَلَىٰ آثَارِهِمْ مُقْتَدُونَ﴾ (زخرف: ٢٢)

"Verily we found our fathers on their creed, and verily we are followers of their footsteps."

(43:23)

The Quran puts great stress on this point, and the same applies to a belief that is formed by the imitation of the patrecians of society. In such places, the phrase freedom of belief is completely without meaning, for freedom means the absence of obstacles to the activities of an active and advancing force, whereas this type of belief is a kind of constriction and stagnation. Freedom in constriction is equal to the freedom of a prisoner condemned to eternal imprisonment, or of a man chained in heavy chains, and the only difference is that the person who is physically enchained senses his condition, while he whose spirit is in chains is unaware of it. This is what we mean when we say that freedom of belief, based on imitation and environmental influences, rather than on freedom of thought, is totally meaningless.

Jezyah (Tribute)

The final issue to be discussed is *jezyah,* i.e. tribute. In one of the Quranic verses, it has been revealed that we are to fight the People of the Book unconditionally or those who do not have real faith untill they pay *jezyah*. What is *jezyah?* Is the meaning of *jezyah* some kind of *"protection money"* or *"danegeld"?* Were the Muslims who took *jezyah* in the past taking protection money? Protection money, seen from any angle, is injustice and oppression and the Quran itself negates it in all its forms. *Jezyah* finds its root in the word *jeza*. *Jaza* in the Arabic language is used both for reward and for punishment. If *jezyah* in this context means recompense or punishment, then it can be claimed that its meaning is *"protection money"* or *"danegeld",* but if it means a reward, which it does, then the matter changes.

Previously we said that some have claimed that jezyah is fundamentally a non-Arabic word, that it is originally Persian, that it is the

Arabicized form of the Persian word *"gaziyeh"*, the name of a per caput tax which was first introduced by the Persian king, Anoushiravan, and that when this word reached the Arabs, the *"gaf"* (G) was changed into a *"jim"* (J) in accordance with the normal rule, so that the Arabs instead of saying *"gaziyeh"*, called it *"jezyah"*. Thus, *jezyah* means a tax, and paying taxes is not the same as extroting protection money. The Muslims too must pay taxes and the only difference is between the actual types of taxes that the Muslims have to pay and those the People of the Book have to pay. There is no proof, however, for this view, that the origin of the word is not Arabic, and furthermore, we have no immediate interest in this word. Whatever the root of the word may be, what we must do is to find out the nature of *jezyah* from the laws that Islam has introduced, and by which it is defined practically.

To put it in a different way, we must look to

see whether Islam cosiders *jezyah* to be a reward or a punishment. If in return for the *jezyah*, Islam makes certain undertakings, gives us certain services, then the payment of the *jezyah* is its reward. If, however, it takes the *jezyah* without giving anything in return, then it is a kind of protection money. If there is a time when Islam tells us to take *jezyah* from the People of the Book without giving anything in return, tells us just to take money from them or otherwise fight them, then it is protection money. Taking protection money means taking the right to use force. It means that the strong tells those who are weaker to give a sum of money if they want to be left alone and if they do not want interference or their security be destroyed. If, on the other hand, Islam says that it places an undertaking before the People of the Book and in return for that undertaking they are to pay *jezyah* to Islam, then in this case, the meaning of *jezyah* is a reward, whether it is an Arabic word or a Persian word.

What we must pay attention to is the nature of the law, not the nature of the word.

When we perceive the essence of this law, we notice that *jezyah* is for that group of the People of the Book who live under the protection of the Islamic state, who are subject to the Islamic state. The Islamic state has certain duties towards its nation and likewise, the latter has its respective duties towards the Islamic state, and the first of these is to pay taxes to maintain the state budget. These taxes include zakat and those in the form of various taxes that the Islamic government introduces in accordance to the best Islamic interests. All these must be paid by the people. In case they do not, then the Islamic government would not be able to function. There is no governmental-budget which is not fully or partly financed by the people. Any government to have a budget, must sustain it either directly or indirectly by taxes.

The second duty of the citizens is to provide

soldiers and undertake sacrifices for the sake of the state. There my be future dangers when the citizens of the state must help in its defense. If the People of the Book are living under the protection of Islamic state, they are not bound to pay those Islamic taxes and are not bound to take part in jihad, even though any advantages resulting from the jihad will also benefit them. In accordance with this rule, when the Islamic govenment secures the saftey of a people and places them under its protection, whether they are its own people or not, it requires something in return from them, financial or otherwise. From the People of the Book, instead of zakat and other Islamic taxes, it requires the jezyah and even instead of soldiers, it requires *jezyah*. In early Islam, whenever the People of the Book volunteered to come and fight in the ranks of the Muslims in the interests of the Islamic state and the Muslims, the latter didn't collect the *jezyah*. In the commentary on the Quran called *"Tafsir al-Menar"*, there are

many accounts from various histroy books of how the early Muslims took *Jezyah* instead of soldiers, and how the People of the Book used to be told that since they were living under the protection of the Islamic state and of the Muslims, but sending no soldiers (the Muslims would themselves not accept them), then instead of sending soldiers, they had to pay the *jezyah*. And if once in a while the Muslims in certain instances found confidence in them and accepted their soldiers, they no longer took *jezyah* from them.

Therefore, from its legal meaning, *jezyah* is a reward to the Islamic government from its non-Muslim People of the Book citizens, in return for the services that it performs for them and in return for them not having to provide the state with soldiers and not having to pay taxes.

Now the first problem of how and why Islam stops its jihad for the sake of *jezyah* becomes clear. The answer is provided by the question *"Why does Islam want jihad?"* It does

not want jihad for the sake of imposing the belief rather it wants jihad for the removal of barriers. When the other side tells us that it has no wish to fight us, and that it will not create a barrier to the call of Tawhid, and keeps its word, it is to be ruled in accordance with this verse:

﴿وَإِنْ جَنَحُوا لِلسَّلْمِ فَاجْنَحْ لَهَا﴾ (الأنفال: ٦١)

"And if they incline to peace, then incline to it." (8:61) If they have been humbled, and show a mind and heart of peace and compromise, then we are not to be severe anymore. We are not to say *"Oh no, We do not want peace, we are going to fight."*